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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,676	12/17/1999	THORSTEN BURGER	4120-US	9163

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EXAMINER
SMITH, SHEILA B

ART UNIT	PAPER NUMBER
2681	7

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,676	BURGER	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Losey (U.S. patent number 6,606,492) in view of Burges (U.S. patent number 6,031,465).

Regarding claims 1, 8-10, Losey discloses essentially all the claimed invention as set fourth in the instant application, further Losey discloses a keyless entry system. In addition Losey discloses transmitting data for a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle comprising the steps of transmitting (which reads on the passive signaling device 22 includes a transmitter that provides an authentication signal to a system controller 24 without requiring any manual activation by the user disclosed column 2 lines 38-40) data is transmitted over the air (which reads on a keyless entry system having a passive signaling device disclosed column 1 lines 13-15) from a transmitter unit (22) to a receiver unit (which reads on column 2 lines 3-6), wherein, after capacitive coupling of the transmitter unit and receiver unit (which reads on column 3 lines 1-10), however, Losey fails to specifically discloses the use of data is transmitted from the transmitter to the receiver using a signal which is generated by a capacitive alternating field.

In the same field of endeavor, Burgess discloses a keyless entry system for vehicles in particular. In addition Burgess discloses the use of data is transmitted from the transmitter to the

receiver using a signal which is generated by a capacitive alternating field (which reads on rolling codes as disclosed in column 5 lines 9-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Losey by modifying the keyless entry system as taught by Burgess for the purpose of reducing overall system complexity.

Regarding claims 2, Losey discloses everything claimed as applied above (***see claim 1***) however, Losey fails to specifically discloses the use of after reception of the signal, a transmitter transmits an encoded information item to the receiver on a second wireless transmission link, which information item is compared with a predefined encoded encoded information item in the receiver, and when said items correspond, a drive signal for the security device is output.

In the same field of endeavor, Burgess discloses a keyless entry system for vehicles in particular. In addition Burgess discloses after reception of the signal, a transmitter transmits an encoded information item to the receiver on a second wireless transmission link, which information item is compared with a predefined encoded encoded information item in the receiver, and when said items correspond, a drive signal for the security device is output (which reads on column 7 lines 65-67 and column 8 lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Losey by modifying the keyless entry system with the use of after reception of the signal, a transmitter transmits an encoded information item to the receiver on a second wireless transmission link, which information item is compared with a

predefined encoded encoded information item in the receiver, and when said items correspond, a drive signal for the security device is output as taught by Burgess for the purpose of reducing overall system complexity.

Regarding claim 3, Losey discloses everything claimed, as applied above (see claim 1) additionally, Losey discloses the second transmission link for the encoded information item is implemented by inductive coupling or radio coupling (which reads on column 3 lines 13-18).

Regarding claims 4-6, Losey discloses everything claimed, as applied above (see claim 1) additionally, Losey discloses A system for activating and/or deactivating a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle (which reads on column 1 lines 65-67 and column 2 lines 1-5), in which an encoded information item is transmitted over the air between a portable transmitter and a receiver (which reads on a keyless entry system having a passive signaling device disclosed column 1 lines 13-15), however, Losey fails to specifically discloses the use of the receiver comparing the received information item with a predefined encoded information item, and outputting a drive signal to the security device when these said two information items correspond, wherein the receiver has a capacitive transmitter unit which generates a start signal by means of a capacitive alternating field and transmits it to the receiver unit of the transmitter.

In the same field of endeavor, Burgess discloses a keyless entry system for vehicles in particular. In addition Burgess discloses the use of the receiver comparing the received information item with a predefined encoded information item (which reads on column 7 lines 65-67 and column 8 lines 1-3), and outputting a drive signal to the security device when these said two information items correspond, wherein the receiver has a capacitive transmitter unit which

generates a start signal by means of a capacitive alternating field and transmits it to the receiver unit of the transmitter (which reads on rolling codes as disclosed in column 5 lines 9-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Losey by modifying the keyless entry system with the use of the receiver comparing the received information item with a predefined encoded information item, and outputting a drive signal to the security device when these said two information items correspond, wherein the receiver has a capacitive transmitter unit which generates a start signal by means of a capacitive alternating field and transmits it to the receiver unit of the transmitter as taught by Burgess for the purpose of reducing overall system complexity.

Regarding claims 7,11, Losey discloses everything claimed as applied above (***see claim 1***) however, Losey fails to specifically discloses the use of the encoded information item is modulated onto a high_frequency carrier frequency which is generated by the alternating current generator.

In the same field of endeavor, Burgess discloses a keyless entry system for vehicles in particular. In addition Burgess discloses the use of the encoded information item (3) is modulated onto a high_frequency carrier frequency (which reads on rolling codes as disclosed in column 3 lines 35-38) which is generated by [the] alternating current generator (which reads on rolling codes as disclosed in column 5 lines 9-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Losey by modifying the keyless entry system with the use of the receiver comparing the received information item with a predefined encoded information item, and outputting a drive signal to the security device when these said two information items

correspond, wherein the receiver has a capacitive transmitter unit which generates a start signal by means of a capacitive alternating field and transmits it to the receiver unit of the transmitter as taught by Burgess for the purpose of reducing overall system complexity.

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raith (U. S. Patent Number 5,241,598) discloses rolling key resynchronization in cellular verification system;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith

SINH TRAN
PRIMARY EXAMINER